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of Discrimination and
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COMTEMPORARY FORMS OF SLAVERY

PROMOTION, PROTECTION AND RESTORATION OF HUMAN RIGHTS AT NATIONAL, REGIONAL AND INTERNATIONAL LEVELS. PREVENTION OF DISCRIMINATION AND PROTECTION OF CHILDREN: HUMAN RIGHTS AND YOUTH

Written statement submitted by the Lawyers Committee for Human Rights, a non-governmental organization in consultative status (roster)

The Secretary-General has received the following communication which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[23 July 1991]

GE.91-12585/6890a

1. The international community has adopted the principles that slavery and forced labour must be abolished (International Convention on Civil and Political Rights, art. 8) and that children and young persons should be protected from economic and social exploitation (International Convention on Economic, Social and Cultural Rights, art. 10). The Convention on the Rights of the Child further specifies rights granted to children, including the right of the child to be protected from performing any work that is hazardous or harmful to the child's development (art. 32), and requiring States parties to the Convention to adopt measures to prevent trafficking in children (art. 35)

2. In late 1990 and early 1991, the Lawyers Committee for Human Rights conducted three fact-finding missions to the Dominican Republic and Haiti to investigate claims of trafficking in Haitian children and forced labour on Government-owned and -operated sugar cane plantations (bateyes) in the Dominican Republic.

3. In interviews with children in the bateyes, the Lawyers Committee heard an oft-repeated tale of false promises and deceit. Recruiters hired by the Dominican State Sugar Council (CEA) tell Haitian children that there are easy jobs in the Dominican Republic. One child told the Lawyers Committee that the recruiter told him that he "would pick tomatoes and gather eggs in a hen house" and would be paid in United States dollars. After crossing the border, the children are handed over to other representatives of the CEA. The CEA then assigns the children to State-owned cane plantations.

4. The Lawyers Committee interviewed dozens of children ranging in age from 8 to 18. Many children do not know where they are and have never cut cane before. Once in the batey, the children must cut cane to survive. Pay is in the form of a voucher which can only be used in the company stores. Cheating when weighing the cane and the stores' practice of discounting the face value of the vouchers by 20 per cent help insure that wages barely allow the cutters to purchase enough food to subsist.

5. Armed guards patrol the fields and roads in rural areas to prevent Haitians and Dominicans of Haitian descent from escaping their assigned bateyes. Dominican soldiers also assist in this work, especially in the border areas. Numerous cane cutters told Lawyers Committee representatives that their clothes are taken away at night to discourage escape.

6. The Lawyers Committee visited numerous bateyes throughout the country and documented the sub-human living conditions endured by the cane cutters. Living quarters are filthy and overcrowded. Our representatives noted a complete absence of potable water, cooking facilities, electricity, and medical care; a few bateyes had latrines constructed by private groups.

7. We have analysed the Government's efforts to implement on October 1990 decree purportedly granting human rights guarantees to all migrant workers, including Haitians. The Lawyers Committee concludes that while the October 1990 decree was a belated admission of serious human rights violations in the cane communities and created expectations that material improvements would be swift and evident, fundamental rights violations persist.

8. The Lawyers Committee has received reports from contacts in the Dominican Republic and in Haiti that the Dominican Government has reacted very aggressively to criticisms of its human rights violations. On 13 June, 1991, two days after hearings before the United States Congress on the human rights situation on Dominican cane plantations, President Balaguer issued a decree that could lead to massive deportations. The decree calls for the repatriation of all foreigners under 16 and over 60 involved in the cane harvest. A senior government official acknowledged that in just one day the Government found at least 50 Haitian children in State cane plantations. He also admitted that the Government knew the names of the buscones who recruit the Haitians and the Dominican officials involved. This admission completely undermines the Government's denials of the existence of child cane cutters or recruiters.

9. While we welcome the Government's efforts to repatriate children who were deceitfully and sometimes forcibly recruited from Haiti, mass deportations of others, including children born in the Dominican Republic and the elderly, many of whom have resided for years in the Dominican Republic, is not the appropriate response to the human rights violations against Haitians and Dominico-Haitians in the Dominican Republic. The Dominican Republic should focus its energies on ending worker rights violations and reforming its practices in the sugar industry rather than making scapegoats out of Haitians and Dominico-Haitians.

10. Moreover, the June decree is also being violated. Our contacts, who have interviewed people as they enter Haiti from the Dominican Republic, report that many of those being "repatriated" by the Dominican Government include men, women and children who are Dominican citizens under the Dominican Constitution. There is persuasive evidence that families are being split up as a result of these repatriations, which for many people are in fact "deportations." Some have stated that the Dominican authorities destroyed their documents proving Dominican citizenship and forced them to come to Haiti. Those interviewed also reported that Dominican soldiers were rounding up Haitians and those who "look" Haitian and were forcing them to leave. The Government has expelled elderly residents who have not received pensions or other social security payments due them, despite the decree's provisions requiring these payments; in some cases those expelled have arrived at the border with just the clothes on their backs. It is also evident that many of those being forced to leave are between the ages of 16 and 60 which is a clear violation of the June 1991 decree.

Recommendations

11. The Lawyers Committee for Human Rights recommends that the following steps be implemented immediately:

- The Dominican Government should cease immediately any direct or indirect efforts to recruit child labourers (children under 18).

- The Dominican Government should officially declare cane cutting to be "dangerous and unhealthy work" under article 229 of the Dominican

Labour Code and absolutely prohibited for anyone under 18 years old. The Government should impose severe penalties, including prison terms and substantial fines, on those who are engaged in trafficking of children or who employ children under the age of 18 in any aspect of cane cutting.

- The Government should end immediately forced labour in the cane communities. All workers and their families must have guaranteed freedom of movement. The Government must prohibit all employees of the CEA and others working in the cane communities from carrying firearms. The cane communities must be demilitarized.

- The Dominican and Haitian Governments should begin talks as soon as possible to remedy these continuing human rights violations and to establish an orderly repatriation process for those Haitians currently living in the Dominican Republic who wish to return to Haiti.